

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA,

Plaintiff,

v.

WAYNE RYAN,

Defendant.

Case No. 18 CR 01107 MV

**DEFENDANT’S OPPOSED MOTION TO TEMPORARILY MODIFY  
CONDITIONS OF RELEASE**

(For Ruling Before Magistrate Judge Molzen)

Wayne Ryan, Defendant, by and through counsel, Alejandro Fernandez,  
Assistant Federal Public Defender, moves this Court to set conditions of release.

1. On March 19, 2018, this Court ordered that Mr. Ryan be held pending  
the disposition of this matter.

2. At the time of the hearing, Pre-Trial Services represented to this Court  
that Mr. Ryan was unemployed. It also said that the employer that Mr. Ryan gave  
to Pre-Trial Services told Pre-Trial Services that Mr. Ryan had not worked for  
them for over seven years.

3. Since that time, Mr. Charles Peterson, owner and operator of Peterson  
Machinery Sales and Engineering, has called undersigned counsel several times.  
Mr. Peterson has reported that Mr. Ryan is a crucial employee on a particular  
project that was meant to begin some weeks ago. Mr. Peterson has said that Mr.

Ryan is the only employee with the skills necessary to accomplish the project. The project is at a site in Arizona.

4. Because of the urgency to Mr. Peterson, Mr. Peterson has agreed to be a third-party custodian of Mr. Ryan if this Court were to permit it. He understands that it would be a serious responsibility, and he has pledged that Mr. Ryan would be under his continuous employment throughout the pendency of the project, and that Mr. Ryan would be given living quarters on company property.

5. In addition, Mr. Peterson explained the confusion over Mr. Ryan's previous employment with him. When Mr. Peterson was contacted, he did not know that Officer Galaz with Pre-Trial Services was calling him in an official capacity. He did not want to share Mr. Ryan's employment history because he thought he was appropriately guarding confidential information. Once counsel explained to Mr. Peterson that Officer Galaz was an investigatory extension of the Court, Mr. Peterson had a conversation with Officer Galaz and discussed Mr. Ryan's employment history and current situation. Mr. Peterson has told undersigned counsel that he has known Mr. Ryan for over 25 years, and a good portion of that time has included professional collaborations.

6. Pre-Trial Services does not recommend a change in custody status.

7. AUSA George Kraehe opposes this motion, but remains open to the possibility that additional evidence might compel him to take a different position.

**WHEREFORE**, Mr. Ryan respectfully requests that this Court fashion conditions of release, and permit him to work and reside in Arizona through the duration of his employment there.

Respectfully Submitted,  
FEDERAL PUBLIC DEFENDER  
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Electronically Filed  
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Assistant Federal Public Defender  
Counsel for Mr. Ryan

### **CERTIFICATE OF SERVICE**

I HEREBY CERTIFY THAT on April 12, 2018, I filed the foregoing electronically through the CM/ECF system, which caused AUSA George Kraehe to be served by electronic means, as more fully reflected on the Notice of Electronic Filing.

I FURTHER CERTIFY THAT on such date I served the foregoing by e-mail on the following non-CM/ECF Participants: USPO Anthony Galaz

Electronically filed